

10-18-04

IFW:DA-

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicants: Edwin E. KLINGMAN      Docket No.: 372614-03801  
Serial No.: 09/670,954      Group Art Unit: 2111  
Filed: September 26, 2000      Examiner: Auve, Glenn Allen  
For: **USB DEVICE CONTROLLER**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL FOR PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER MPEP 711.03(c) B and 37 CFR 1.181(a)**

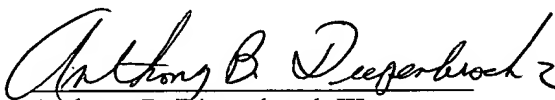
Enclosed herewith for filing in the above-identified patent application:

- ☒ 2 Page Petition to Withdraw Holding of Abandonment Under MPEP 711.03(c) B and 37 CFR 1.181(a) with Exhibits A through F (including formal drawings under Exhibit D); and
- ☒ Postcard for date-stamped return as confirmation of receipt of these items.

The Commissioner is authorized to charge Deposit Account No. 50-2778 and any fee deficiency or to credit any overpayment.

Respectfully submitted,

Date: October 14, 2004

  
Anthony B. Diepenbrock III  
Reg. No. 39,960

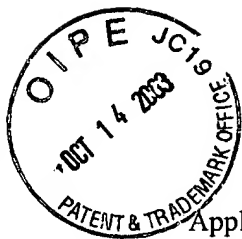
**DECHERT LLP**  
Customer No. 37509  
P.O. Box 10004  
Palo Alto, CA 94303  
Telephone: 650.813.4800  
Facsimile: 650.813.4848

**CERTIFICATE OF MAILING (37 CFR 1.10(a))**

CERTIFICATE OF MAILING BY "EXPRESS MAIL" - Rule 10: I hereby certify that this correspondence is being deposited on October 14, 2004 with the U.S. Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 as EL 989 608 593 US addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Date: October 14, 2004

  
Yvette Yturralde-Owen



**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicants: Edwin E. KLINGMAN      Docket No.: 372614-03801  
Serial No.: 09/670,954      Group Art Unit: 2111  
Filed: September 26, 2000      Examiner: Auve, Glenn Allen  
For: **USB DEVICE CONTROLLER**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER MPEP 711.03(c) B and 37 CFR 1.181(a)**

Dear Sir:

This is a Petition to Withdraw the Holding of Abandonment under MPEP 711.03(c) B (Rev. 2, May 2004) and 37 CFR 1.181(a) in the above-identified patent application, based on the following facts:

1. Applicant received the Notice of Allowance and Issue Fee(s) Due with a mailing date of May 26, 2004. The date for responding to the Notice of Allowance and Issue Fee(s) Due was August 26, 2004.
2. Per Item 6 of the Notice of Allowability (PTOL-37), corrected drawings were required to be submitted.
3. On June 28, 2004, an e-mail with attachment of informal set of drawings was sent to our draftsperson requesting an estimate of cost to formalize (*see* Exhibit A).
4. On July 1, 2004, we instructed our draftsperson to proceed with the drawings (*see* Exhibit B).
5. On July 7, 2004, our draftsperson forwarded to our office, the completed set of formal drawings (*see* Exhibit C).
6. On August 25, 2004, via Express Mail (USPS Tracking No. EL 989 608 457 US), a response to the Notice of Allowance and Issue Fee(s) Due was sent to the U.S.P.T.O, the response included: Patent Issue Fee Transmittal; the Part B - Fee(s) Transmittal (PTOL-85) form (filled out); a Letter to Official Draftsperson with 7 Sheets of Formal Drawings (FIGs. 1-10); an instruction to pay the requisite fees; and a postcard for date-stamped return as confirmation of receipt of the listed items (*see* Exhibit D). Each of the 7 sheets of Formal

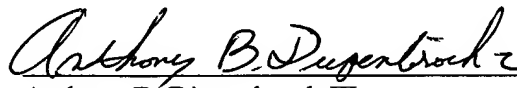
Drawings had imprinted thereon a label identifying the drawing sheet by the name and docket number of the application, just as shown in Exhibit D.

7. On August 25, 2004, the Express Mail package containing items listed in item 6 above, was delivered to the U.S. Post Office station at the San Francisco Airport at 7:55 PM. Delivery information was recorded on the Express Mail Label (EL 989 608 457) and a receipt was issued containing the tracking number of the package (*see* Exhibit E).
8. On September 3, 2004, our office received the return postcard back from the U.S. Patent & Trademark Office with a date stamp of August 26, 2004 (*see* Exhibit F). Nothing marked on the return postcard indicates that the 7 sheets of formal drawings were not present.
9. Additionally, we have checked our chronology file, which contains an exact copy of what was sent to the U.S.P.T.O. The exact copy includes the full set of drawings. Nothing in the chronology file leads us to believe that the drawings were not sent.
10. Furthermore, we have checked our deposit account and have determined that the issue fee was charged to that deposit account on August 30, 2004. At the time of charging the account, there was no indication that the drawings were not present.

Therefore, we have good reason to believe that the Office has misplaced the drawings that were submitted and respectfully request that the Commissioner withdraw the holding of abandonment and allow the application to issue with the drawings attached to this petition.

Respectfully submitted,

Date: October 14, 2004

  
Anthony B. Diepenbrock III  
Registration No. 39,960

DECHERT LLP  
Customer No. 37509

**CERTIFICATE OF MAILING (37 CFR 1.10(a))**

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Date: October 14, 2004

  
Yvette Yturralde-Owen

**Yturalde-Owen, Yolette**

---

**From:** Yturalde-Owen, Yolette  
**Sent:** Monday, June 28, 2004 3:09 PM  
**To:** 'tsimpson@zianet.com'  
**Subject:** Drawings - Cybernetic (3801)



Hi Terry:

I have 10 sheets of drawings that we need formalized. The Issue Fee is due August 26th. Could you give me an estimate please? Note that I may have some figures identified as prior art - I'm waiting for the atty to advise me and I'll let you know.

Our Reference No.: 372614-03801 (337297).

Thanks Terry!

**Yolette Yturalde-Owen**  
IP Department Legal Secretary  
Dechert LLP  
975 Page Mill Road  
Palo Alto, CA 94304-1013  
1.650.813.4917 direct  
1.650.813.4800 main  
1.650.813.4848 fax  
yolette@dechert.com  
[www.dechert.com](http://www.dechert.com)



Cybernet.pdf (137  
KB)

**Yturalde-Owen, Yolette**

**From:** Yturalde-Owen, Yolette  
**Sent:** Thursday, July 01, 2004 11:01 AM  
**To:** 'Terry Simpson'  
**Subject:** RE: Drawings - Cybernetic (3801)

Please proceed with the drawings.  
Thanks Terry!

-Yolette

-----Original Message-----

**From:** Terry Simpson [mailto:tsimpson@zianet.com]  
**Sent:** Monday, June 28, 2004 5:03 PM  
**To:** Yolette Yturalde-Owen  
**Subject:** Re: Drawings - Cybernetic (3801)

Hi Yolette,

My estimate for the drawings would be \$350.00. I will wait for approval before starting any work.

Terry

on 6/28/04 3:09 PM, Yturalde-Owen, Yolette at yolette.yturalde-owen@dechert.com wrote:

Hi Terry:

I have 10 sheets of drawings that we need formalized. The Issue Fee is due August 26th. Could you give me an estimate please? Note that I may have some figures identified as prior art - I'm waiting for the atty to advise me and I'll let you know.

Our Reference No.: 372614-03801 (337297).

Thanks Terry!

**Yolette Yturalde-Owen**

IP Department Legal Secretary

Dechert LLP

975 Page Mill Road

Palo Alto, CA 94304-1013

1.650.813.4917 direct

1.650.813.4800 main

1.650.813.4848 fax

yolette@dechert.com

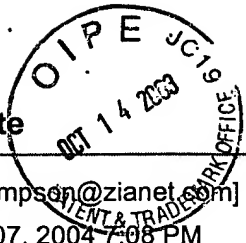
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10/13/2004

**Yturalde-Owen, Yolette**



**From:** Terry Simpson [tsimpson@zianet.com]  
**Sent:** Wednesday, July 07, 2004 7:08 PM  
**To:** Yolette Yturalde-Owen  
**Subject:** drawings-372614-03801

Yolette,

Attached are drawings for your review.

Best regards,  
Terry

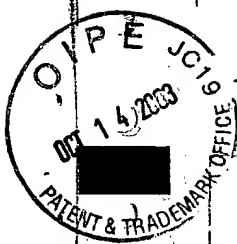
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Therese M. Simpson  
QuixDraw  
3882 Stoney Brook Circle  
Las Cruces, NM 88005-3685  
505-541-0464  
505-541-0351 (fax)  
tsimpson@zianet.com

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Date In Mo. 8 Day 25 Year 04	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM		Postage \$ 13.61	Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
Time In <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee		Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	
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FROM: (PLEASE PRINT) ANTHONY B. DIEPENBROCK III DECHERT LLP PO BOX 10004 PALO ALTO CA 94303-0961 372614-03801 (337297) ABD/yyo				TO: (PLEASE PRINT) MAIL STOP ISSUE FEE COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA VA 22313-1450			

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THE STAMP OF THE U.S. PATENT & TRADEMARK OFFICE HEREON ACKNOWLEDGES RECEIPT OF THE FOLLOWING: ☐ TM ☒ PATENT UTILITY ☐ PATENT DESIGN

Our Ref No. 372614-03801 (337297)  
Applicant(s)/Patentee(s): Edwin E. KLINGMAN  
Application No.: 09/670,954  
Filed: September 26, 2000  
Entitled: USB DEVICE CONTROLLER  
Enclosed:

- ☒ Issue Fee Transmittal;
- ☒ Part B - Fee Transmittal;
- ☒ 7 Sheets of Formal Drawings (FIGs. 1-10);
- ☒ Letter to Official Draftsperson; and
- ☒ Express Mail Label EL 989 608 457 US.

Date: August 25, 2004  
Initials: ABD/yyo

DOCKETED  
8/25/04

COPY SENT  
TO CLIENT: 8/25/04



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicants: Edwin E. KLINGMAN      Docket No.: 372614-03801  
Serial No.: 09/670,954      Group Art Unit: 2111  
Filed: September 26, 2000      Examiner: Auve, Glenn Allen  
For: USB DEVICE CONTROLLER

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

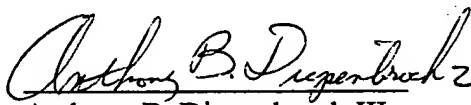
PATENT ISSUE FEE TRANSMITTAL UNDER 37 CFR 1.1311)

Enclosed herewith for filing in the above-identified patent application:

- ☒ Part B - Fee(s) Transmittal;
- ☒ 7 Sheets of Formal Drawings (FIGs. 1-10);
- ☒ Letter to Official Draftsperson;
- ☒ Fee (37 CFR 1.18(a)). Application status is: small entity.  
Please charge/credit Deposit Account No. 50-2778 the amount of \$695 for the payment of the Issue Fee (\$665) and advance order fee (\$30) for 10 copies of issued patent or for any deficiency/overpayment.; and
- ☒ Postcard for date-stamped return as confirmation of receipt of above.

Respectfully submitted,

Dated: August 25, 2004

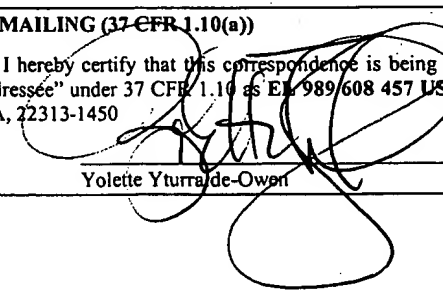
  
Anthony B. Diepenbrock III  
Reg. No. 39,960

DECHERT LLP  
Customer No. 37509

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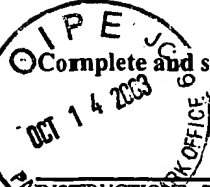
Date: August 25, 2004

  
Yolette Yturra de-Owen

EL989608457US



## PART B - FEE(S) TRANSMITTAL



Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax (703) 746-4000**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

37509 7590 05/26/2004

DECHERT LLP  
P.O. BOX 10004  
PALO ALTO, CA 94303

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

VOLETTE TURRALDE-OWEN (Depositor's name)  
\_\_\_\_\_  
\_\_\_\_\_  
AUGUST 25, 2004 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,954	09/26/2000	Edwin E. Klingman	372614-03801	4408

TITLE OF INVENTION: USB DEVICE CONTROLLER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$0	\$665	08/26/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
AUVE, GLENN ALLEN	2111	710-305000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

ANTHONY B. DIEPENBROCK III

DECHERT LLP

3

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ☒ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☐ Publication Fee
- ☒ Advance Order - # of Copies ten (10)

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 50-2778 (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

ANTHONY B. DIEPENBROCK III - REG No. 39,960

(Authorized Signature)

(Date)

*Anthony B. Diepenbrock III*

25 AUGUST 2004

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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TRANSMIT THIS FORM WITH FEE(S)



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicants: Edwin E. KLINGMAN      Docket No.: 372614-03801  
Serial No.: 09/670,954      Group Art Unit: 2111  
Filed: September 26, 2000      Examiner: Auve, Glenn Allen  
For: USB DEVICE CONTROLLER

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

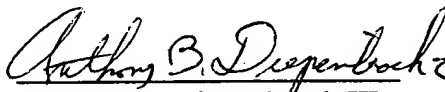
**LETTER TO OFFICIAL DRAFTSPERSON**

Dear Sir:

Subject to the approval of the Examiner, please substitute the enclosed 7 sheets of formal drawings (FIGs. 1-10) for the drawings originally filed with the above-identified patent application.

Respectfully submitted,

Dated: August 25, 2004

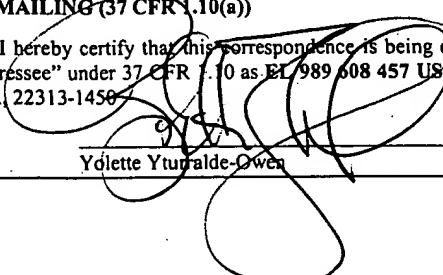
  
Anthony B. Diepenbrock III  
Reg. No. 39,960

DECHERT LLP  
Customer No. 37509

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Date: August 25, 2004

  
Ydiette Yturralde-Owen

1/7

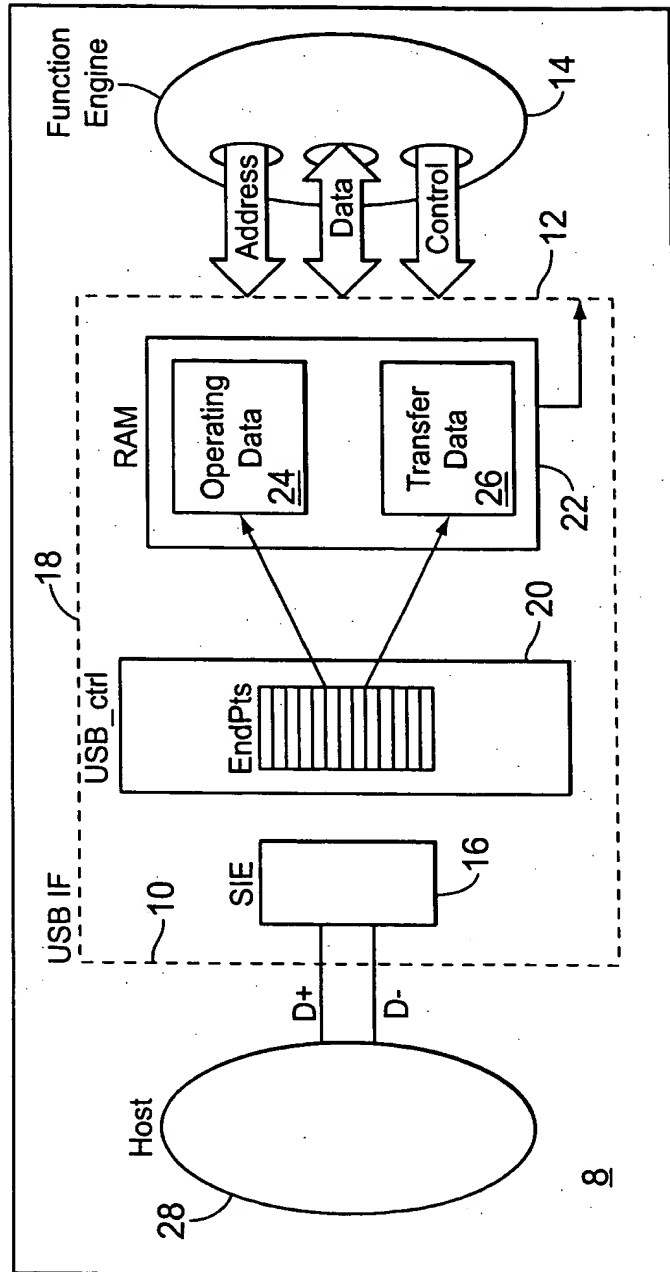
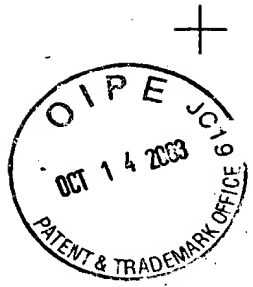


FIG. 1  
(PRIOR ART)

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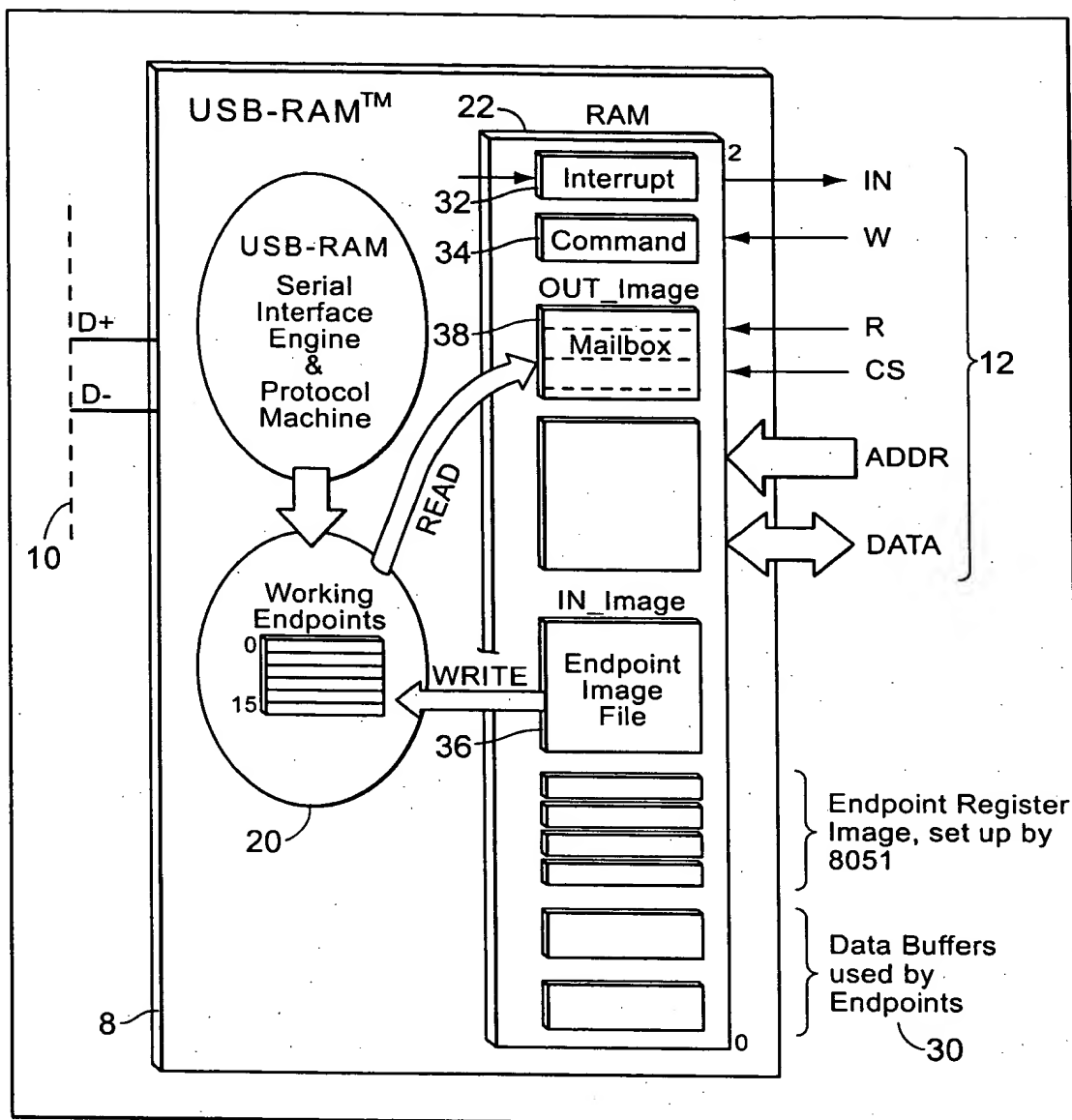


FIG. 2  
(PRIOR ART)

FIG. 3  
 (PRIOR ART)

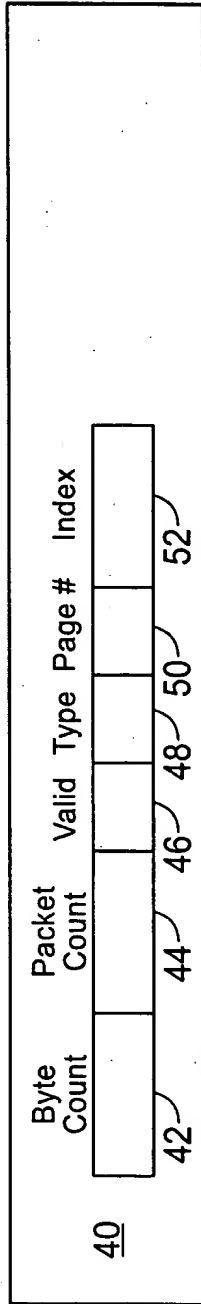
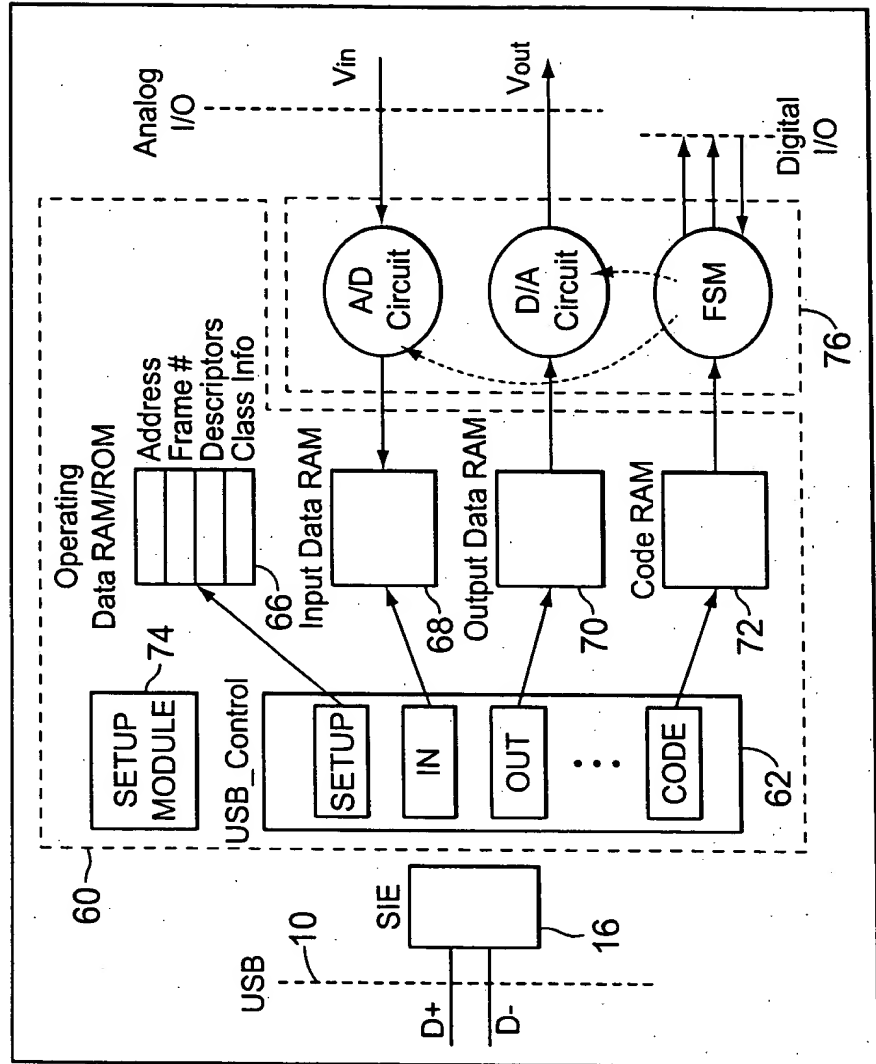


FIG. 4



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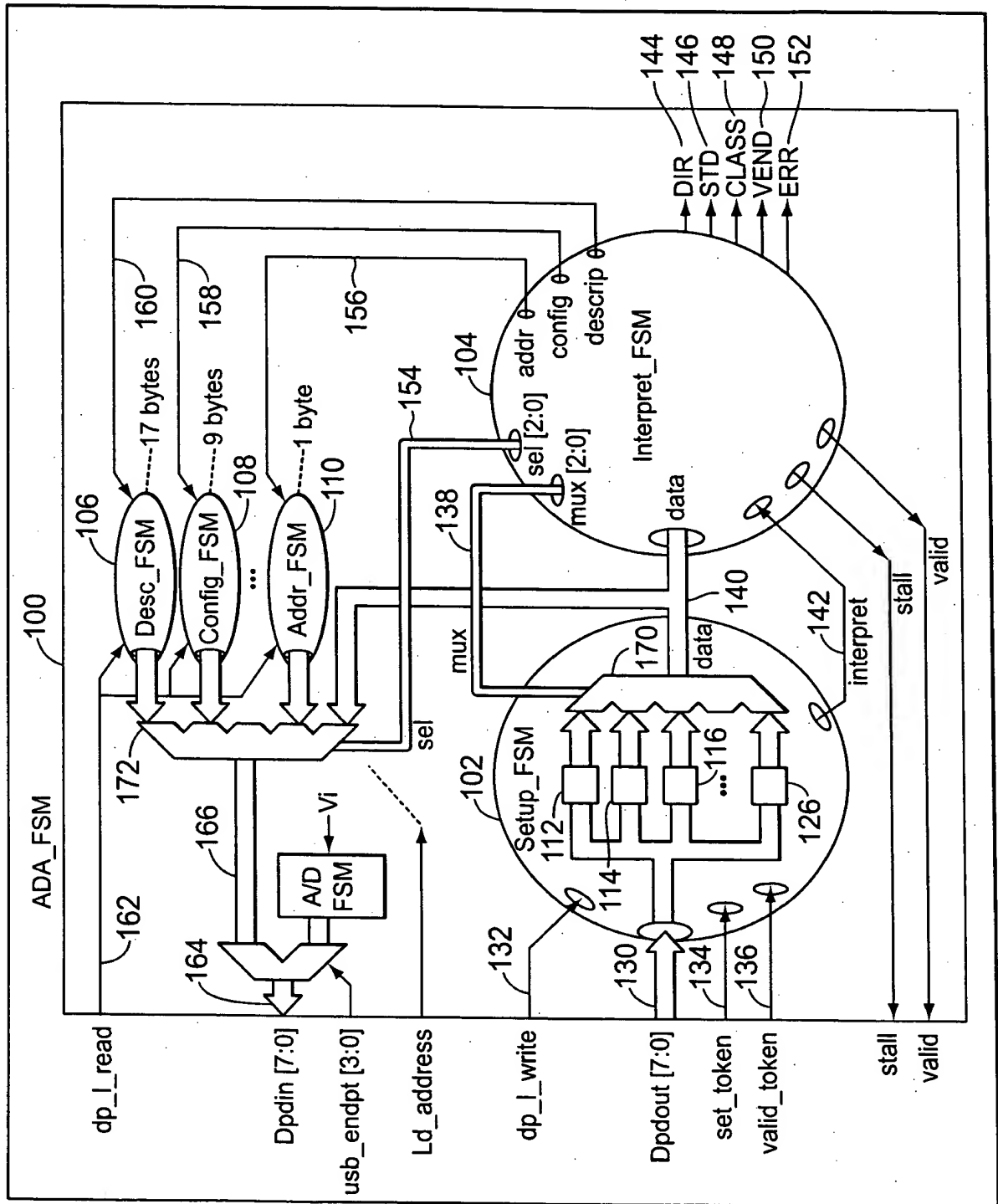


FIG. 5



6/7

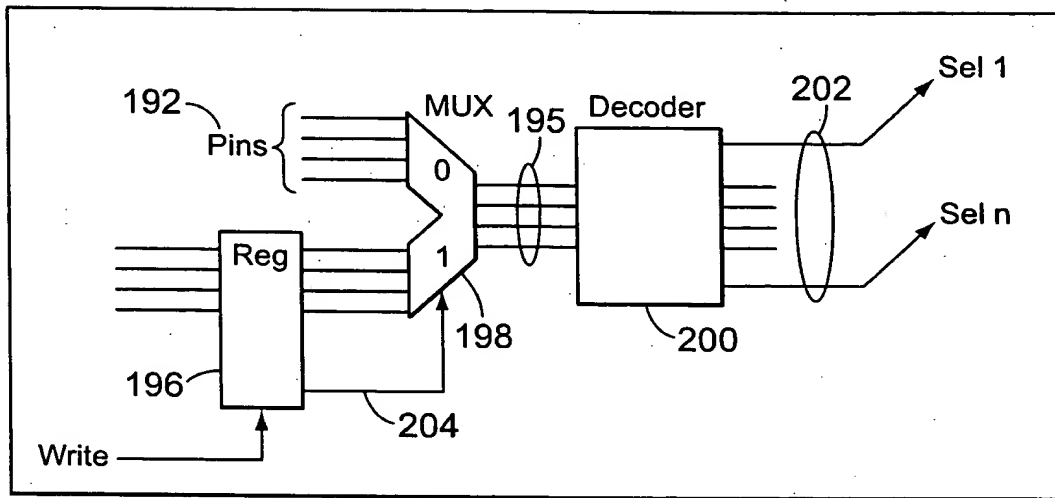


FIG. 7

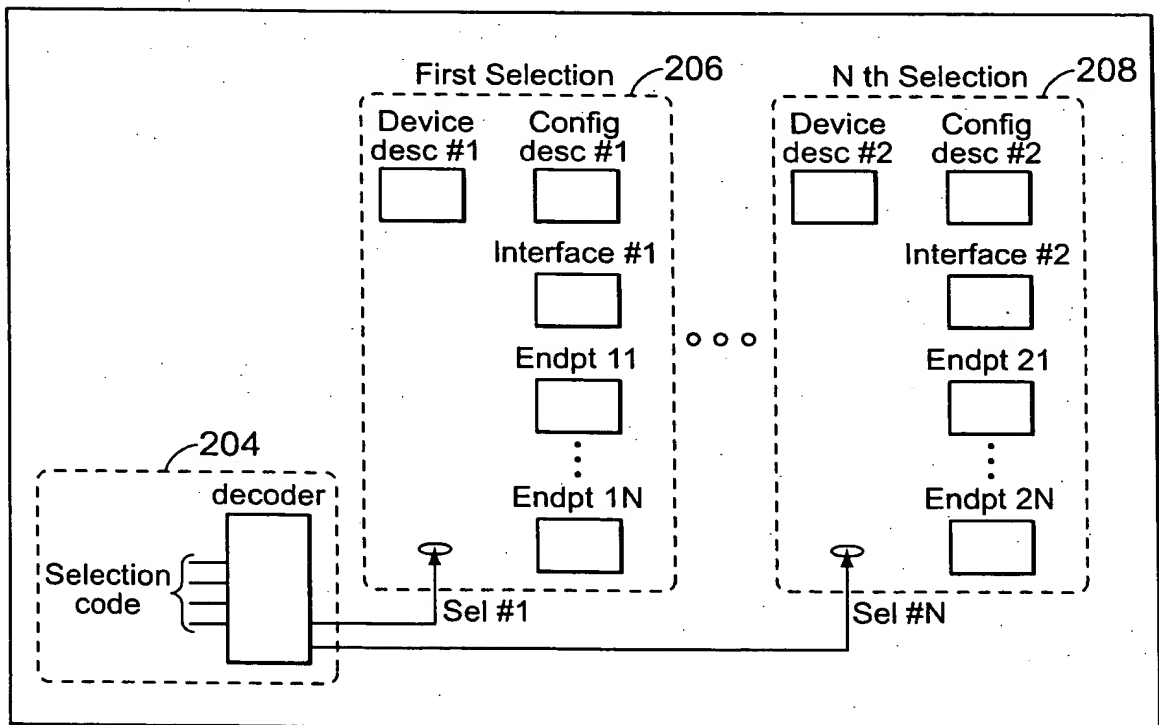


FIG. 8



7/7

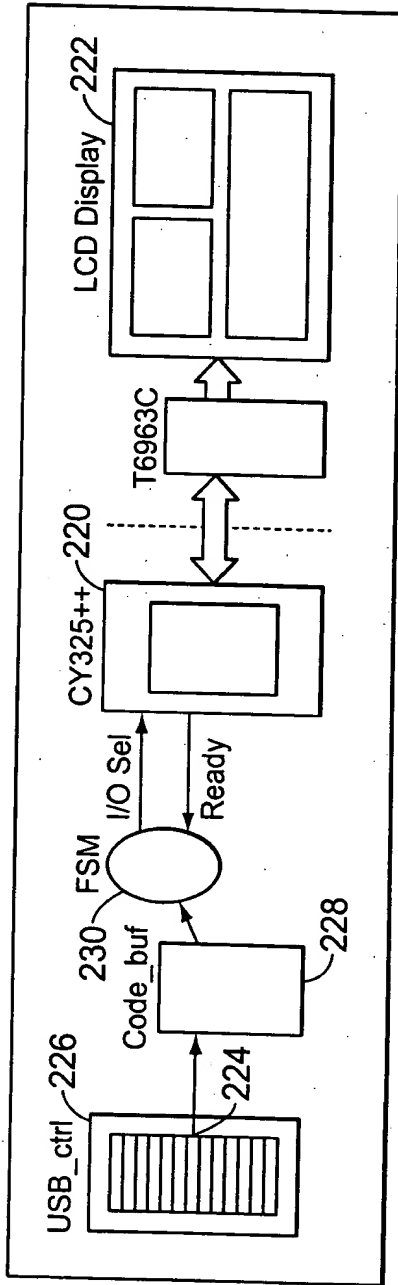


FIG. 9

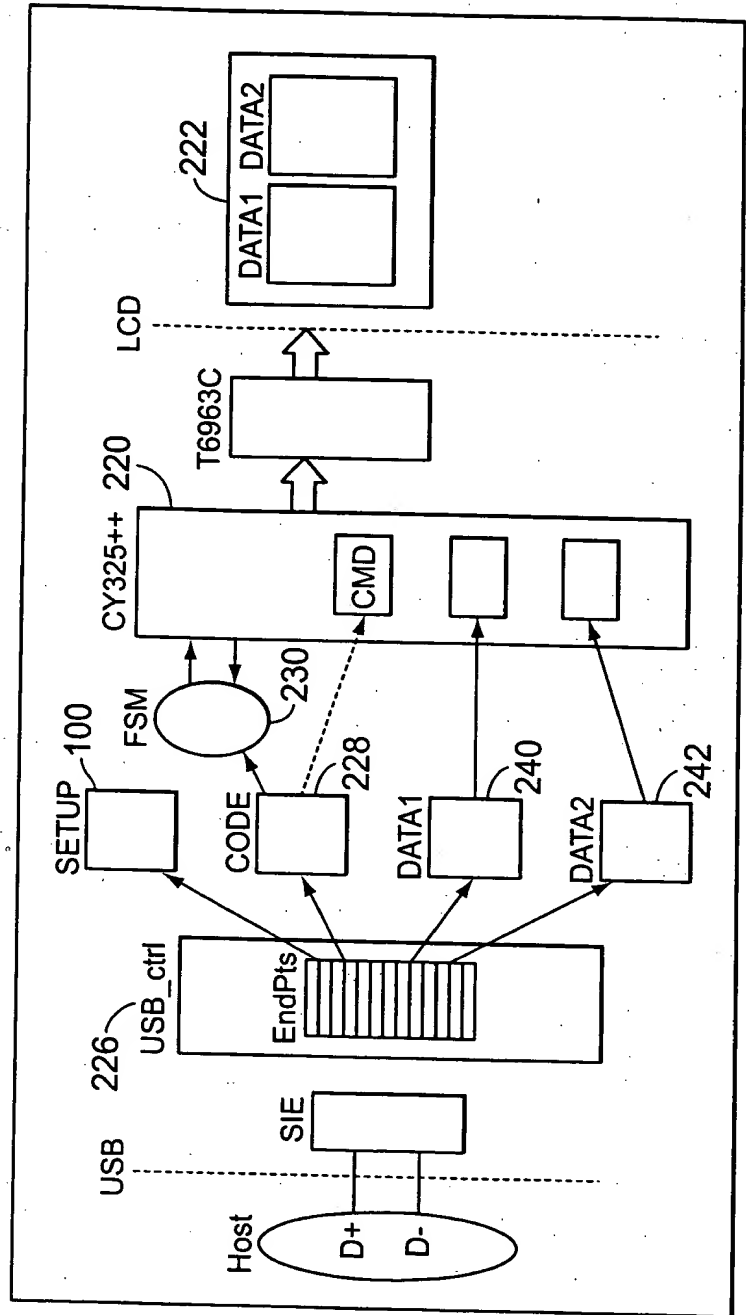
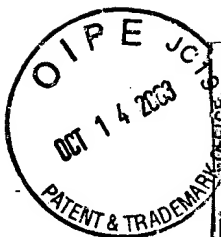


FIG. 10



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Date in Month <b>8</b>	Day <b>2</b>	Postage <b>\$ 13.65</b>	Delivery Attempt Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	Customer Signature	
Mo. Day Year <b>1859</b>	Time in <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Return Receipt Fee <input type="checkbox"/>	Delivery Date Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	Customer Signature	
Weight <b>1</b> lbs. <b>0</b> ozs.	Military <input type="checkbox"/> 1st Day <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	COD Fee Insurance Fee	<input checked="" type="checkbox"/> WAIVER OF SIGNATURE (Customer Only) Additional charges apply for this service. Waiver of signature is requested. With delivery, you will receive a return receipt signed by the addressee or a delivery employee. If the addressee is not available, the delivery employee will attempt to deliver the item to the addressee's location and will attempt to deliver the item to the addressee's location.				
No Delivery <input checked="" type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <b>AM</b>	Total Postage & Fees <b>\$ 13.65</b>	<input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday				
CUSTOMER USE ONLY				CUSTOMER USE ONLY			
METHOD OF PAYMENT <b>X 940520</b>				Federal Agency Acct. No. Postal Service Acct. No.			
FROM: (PLEASE PRINT) PHONE <b>ANTHONY B. DIEPENBROCK III</b> <b>DECHERT LLP</b> <b>PO BOX 10004</b> <b>PALO ALTO</b> CA 94303-0961 <b>372614-03801 (337297)</b> <b>ABD/yyo</b>				TO: (PLEASE PRINT) ADDRESS <b>MAIL STOP ISSUE FEE</b> <b>COMMISSIONER FOR PATENTS</b> <b>PO BOX 1450</b> <b>ALEXANDRIA</b> VA 22313-1450			
PRESS HARD. You are making 3 copies.				FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com			

SALES RECEIPT			
Product Description	Sale Qty	Unit Price	Final Price
ALEXANDRIA, VA, 22313 EM			\$13.65
PO Flat Rate			
Serial Number EL989608457US			
2nd Day Noon / Normal			
Delivery			
Paid by account:			\$13.65
EMCA account number:			940520
Total:			\$0.00
Paid by:			
Bill #: 1000500530257			
Clerk: 05			
All sales final on stamps and postage. Refunds for guaranteed services only. Thank you for your business. Customer Copy			



THE STAMP OF THE U.S. PATENT & TRADEMARK OFFICE HEREON ACKNOWLEDGES  
RECEIPT OF THE FOLLOWING: ☐ TM, ☒ PATENT UTILITY ☐ PATENT DESIGN

Our Ref No. 372614-03801 (337297)

Applicant(s)/Patentee(s): Edwin E. KLINGMAN

Application No.: 09/670,954

Filed: September 26, 2000

Entitled: USB DEVICE CONTROLLER

Enclosed:

- ☒ Issue Fee Transmittal;
- ☒ Part B - Fee Transmittal;
- ☒ 7 Sheets of Formal Drawings (FIGs. 1-10);
- ☒ Letter to Official Draftsperson; and
- ☒ Express Mail Label EL 989 608 457 US.

Date: August 25, 2000  
Initials: ABD/yyo

*ABD/yyo*  
**DOCKETED**

